



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1

Alan Cortez (GUARD/P)

Case No. 08CEPR01002

Petitioner Sanchez, Salvador (Pro Per – Father – Petitioner)  
 Petitioner Cortez, Lucia (Pro Per – Mother – Petitioner)  
 Guardian Ramirez, Sandra (Pro Per – Maternal Aunt – Guardian)  
 Guardian Vildosola, Jose (Pro Per – Maternal Uncle – Co-Guardian)

## Amended Petition for Termination of Guardianship

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> Petitioners reside in Los Angeles, CA.  <u>Minute Order 10/20/15:</u> The Court gives permission for text notice as to Jose Vildosola that includes the date, time, place, and an offer to provide a copy of the petition; proof of said message is to be brought to court on 12/8/15. Maybelline Calderon, Jasmine Calderon, and Catalina Pulido, siblings, each need to be mailed notice.  As of 12/2/15, nothing further has been filed.  1. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on: - Co-Guardian Jose Vildosola - Siblings age 12 or older	
Cont. from 102015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 12/2/15	
			Updates:	
			Recommendation:	
			File 1 – Cortez	

**2 Cain Blanco, Trinity Blanco and Vanity Blanco (GUARD/P)****Case No. 11CEPR00659**

Petitioner: Oriana S. Blanco (pro per)

Guardian: Rosemary Blanco (pro per)

**Petition for Termination of Guardianship**

		<b>ORIANA S. BLANCO</b> , mother, is petitioner.  Please see petition for details.  Court Investigator filed 8/11/15.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The proofs of service for the guardian, the grandparents and the minors does not include the name and address of the person serving the notices. The proof of service does include a signature but the signature is illegible.	
Cont. from 081815, 091515, 102015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W/
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: KT
Reviewed on: 12/215
Updates:
Recommendation:
File 2 – Blanco

<b>DOD: 11/18/2010</b>	<b>BEVERLY T. ADAMS</b> , spouse, was appointed Executor with full IAEA authority without bond on 06/25/2012.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Letters issued on 06/28/2012.	
	Inventory and Appraisal was due 10/26/2012.	<b>Minute Order of 06/02/2015: continued per request of counsel.</b>
<b>Cont. from 072613, 110813, 112414, 120914, 060215</b>	<b>Status Report and Request for Continuance filed 11/25/2015</b>	
<b>Aff.Sub.Wit.</b>	states Beverly T. Adams needed to be appointed as Personal Representative of her late husband's estate in order to file a wrongful death lawsuit on his behalf stemming from an airplane crash in Florida on 11/17/2010. The lawsuit was filed in Florida Southern District Court on 05/14/2013, Case No. 2:13-cv-14206. Mediation was not successful in this matter. The original trial date was August 15, 2014. The trial was continued to 11/17/2014, then again to 01/12/2015, and was finally scheduled for a two week trial beginning 05/19/2015. However the judge dismissed the case on the first day of trial.	1. Need Inventory and Appraisal and First Account or Petition for Final Distribution.
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>	Following the dismissal, Plaintiff's counsel in the litigation matter filed a Motion for Reconsideration or to Alter and Amend Judgment. To date, no reply has been received from the Judge, and the last activity date in the matter was 07/30/2015. Plaintiff's counsel was not able to estimate a time frame for reply by the Judge in order to provide this Court with a time frame for filing the I&A or petition to close this estate.	
<b>9202</b>	An Inventory and Appraisal is not needed at this time as there is currently no real or personal property to be appraised. The sole probate asset at issue is the potential recovery in the litigation matter. In the event that the appeal and subsequent trial is resolved in favor of the decedent, the Personal Representative will file and Inventory and Appraisal at that time, as the decedent has no other property subject to probate. It is respectfully request that this probate matter be continued six months pending the anticipated filing of an appeal and eventually resolution of the wrongful death litigation.	
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LV</b>
		<b>Reviewed on: 12/02/2015</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 3 – Adams</b>

## Petition for Termination of Conservatorship

	RICK BRANNON, SR., Conservatee, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The petition is not verified by Rick Brannon, Sr. (Conservatee and Petitioner).  <b>Note:</b> The Public Guardian's First Account covering through 10/15/14 was settled on 12/18/14. The Court previously set a status hearing for the filing of the next account for 12/15/16; however, if conservatorship is terminated, the Court will set a status hearing for the filing of the final account as appropriate.
	FRESNO COUNTY PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 5/29/13.		
	Petitioner states conservatorship is no longer required because the Conservatee's condition has improved. He has taken interest and control of many areas of his life so that he is self-sufficient.		
	Court Investigator Julie Negrete filed a report on 11/20/15.		
Aff.Sub.Wit.			
Verified	x		
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 12/2/15
			Updates:
			Recommendation:
			File 4 – Brannon

Attorney: Heather H. Kruthers (for Administrator/Public Administrator)

## Probate Status Re: Filing of the First Account and/or Petition for Final Distribution

<b>DOD: 3/28/13</b>	<b>PUBLIC ADMINISTRATOR</b> was appointed as the Administrator of the estate on 8/19/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 10/5/15.</b>  1. <b>Need First Account, Petition for Final Distribution or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from 100515</b>	<b>Background:</b> Decedent's father, Hugo Noroyan and Decedent's mother, Patricia English each filed competing Petitions for Probate. On 8/19/13 the Court on its own motion appointed the Public Administrator as personal representative of the estate.  On 1/23/14 Ian Michinson's filed a Petition for Probate of Decedent's purported Will.  Patricia English filed a Contest to the Purported Will.  A trial was began on 4/7/15 before Judge Arlan L. Harrell.  Judge Arlan L. Harrell Statement of Decision, Judgment and Order was entered on 8/4/15. Judge Arlan L. Harrell ruled that the document proffered by Mitchinson not be admitted to probate. Letters of Administration having been previously issued to the Fresno County Public Administrator, unless a valid will is offered and admitted to probate, this matter shall follow the normal course of administration for an intestate estate.	
<b>Aff.Sub.Wit.</b>		<b>Reviewed by:</b> KT <b>Reviewed on:</b> 12/2/15 <b>Updates:</b> <b>Recommendation:</b> <b>File 5 – Noroyan</b>
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<b>Notice of Status Hearing</b> was mailed to the County Counsel Heather Kruthers on 8/13/15.	

**Amended First Account and Report of Conservator; Allowing Fees to Conservator of the Estate and Attorney for Conservator, Allowing Conservator to Invade Conservatee's 401(k) Plan to Assist in Providing for Conservatee's Care and Finding that Conservatee Lacks the Ability to Vote**

		<p><b>BETTY FARMER</b>, Mother and Conservator of the Person and Estate with bond of \$61,250.00, is Petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
		<p><b>Account period: 3/26/14 – 3/31/15</b></p>	<p><b>Minute Order 10/20/15:</b></p>
Cont. from 102015		<p>Accounting: \$165,739.31 Beginning POH: \$138,586.82 Ending POH: \$130,404.23 (\$113,067.23 cash plus non-cash assets including a 100% interest in misc. personal property and a 50% community property interest in two vehicles)</p>	<p><b>Ms. Farmer represents that she is receiving no other income to care for the Conservatee other than from the Conservatorship. The matter is continued to allow time for inquiries as to a placement that will accept Medi-Cal. A verified status report is to be filed at least one week prior to 12/8/15.</b></p>
	Aff.Sub.Wit.		
✓	Verified	<p><b>Conservator states \$13,264.75 has been reimbursed</b> to Petitioner during account period representing less than a one-third share of household expenses, and is far less per month than a full time care facility or an apartment, assuming she could care for herself.</p>	<p><b>Note: A status report was filed 12/2/15. See Page 3.</b></p>
✓	Inventory		
	PTC	<p><b>Conservator requests compensation of \$30,000.00</b> for 10-14 hours per day caring for the Conservatee at a minimum of \$100/day (\$7.14/hr) for the care and assistance provided during all waking hours.</p>	<p><b>SEE ADDITIONAL PAGES</b></p>
	Not.Cred.		
✓	Notice of Hrg	<p><b>Attorney: \$15,643.38</b> (\$14,753.00 for 64.10 attorney/ associate hours @ \$195-275/hr, plus \$890.38 in costs including photocopies, postage, mileage, other costs advanced. <b>Note: \$9,689.63 has already been paid to the attorney by Petitioner from her own funds. \$5,063.37 remains due to the attorney and Conservator requests reimbursement of the \$9,689.63.</b></p>	<p><b>Reviewed by: skc</b></p>
✓	Aff.Mail		
	Aff.Pub.	<p><b>Petitioner states</b> at appointment she was a co-holder of an account with Comerica Bank on behalf of the Conservatee, which received Conservatee's Social Security benefits. All funds in this account are Conservatee's and have never been commingled with Petitioner's funds. Petitioner will take steps to convert this account to the name of the conservatorship estate prior to hearing on this matter. Petitioner now realizes that the Comerica account was inadvertently not inventoried on the Inventory and Appraisal; however, all transactions are detailed in this account and statement are provided.</p>	<p><b>Reviewed on: 12/2/15</b></p>
	Sp.Ntc.		
	Pers.Serv.	<p><b>SEE ADDITIONAL PAGES</b></p>	<p><b>Updates:</b></p>
	Conf. Screen		
✓	Letters	<p><b>3/26/14</b></p>	<p><b>Recommendation:</b></p>
	Duties/Supp		
	Objections	<p><b>File 9 - Hendricks</b></p>	
	Video Receipt		
✓	CI Report		
✓	2620(c)		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

## Page 2

**Petitioner states** she personally deposited \$3,000.00 of her own funds in order to open the Bank of the West account because she believed she was supposed to open a separate account and did not wish to take funds from the Comerica account to do so. The Comerica account was not a checking account, but a debit account. *[Examiner's Note: This amount has been reimbursed to Petitioner per Schedule C.]*

Petitioner states the Inventory and Appraisal filed with the Court identified the Conservatee's 401k plan from CVS Pharmacy earned by the Conservatee in part during her marriage to her current husband, Jeffrey Hendricks. The value at that time was estimated by telephonic access to be \$102,349.28. Subsequent to filing the I&A, Petitioner received a Participant Statement which shows a balance as of 12/31/14 of \$104,973.25. Personal oral requests and written requests from counsel to CVS Future Fund requesting a written account balance as of 3/31/15 went unanswered. This Amended First Account will use the financial data set forth in the statement dated 12/31/14 for continuity.

Petitioner states the two vehicles noted in the I&A as owned 50% by the Conservatee are in the possession of Conservatee's husband as the Conservatee does not drive.

Petitioner states the Court has inquired as to several gifts provided by the Conservatee over the past year. *(Prior Examiner Notes requested clarification re approx. \$350.00 used for gifts during the account period with reference to Duties of Conservator.)* Petitioner states the gifts were to close family on special days, including a mother's day bouquet. If the court desires the money be returned, she will reimburse the conservatorship.

**Petitioner states** that additional costs of part-time in-home care has resulted in a monthly negative cash flow scenario, as Teresa's social security disability payments will not completely cover her required care. This negative cash flow has eroded Conservatee's excess liquid cash to the point that only a few more month of excess cash remain to cover her expenses. In light of this fact, Petitioner requests the Court issue an order directing the trustee or custodian of Teresa's CVS Caremark Future Funds 401k Plan to allow Conservator access to the 401k proceeds to care for Conservatee. She believes the 401k Plan funds are community property assets but can and should be used for the care, maintenance and support of Conservatee. Attorney Logoluso's declaration states he does not believe accessing these funds subject's Conservatee to IRS penalties for early withdrawal in light of Conservatee's obvious need for appropriate care. Authority cited.

**Petitioner requests that:**

1. The Court find that Notice of Hearing of this account, report and petition was given as required by law;
2. The Court make an order approving, allowing and settling the attached account and report of Conservator as filed;
3. The Court authorize Petitioner to pay herself \$30,000.00 as compensation for services rendered as Conservator of the estate and person during the accounting period;
4. The Court authorize Petitioner to reimburse herself \$9,689.63 for costs and fees associated with the creation of the conservatorship;
5. The Court authorize Petitioner to pay her attorneys \$5,063.37 for legal services rendered during the accounting period;
6. The Court issue an order allowing for the use of Conservatee's 401k plan proceeds be authorized by the Court to be utilized for the payment of institutionalized care for Conservatee;
7. The Court order that Conservatee is not able to complete an affidavit of voter registration in accordance with Elections Code §2150, and is not entitled to vote; and
8. The Court make such other relief as it considers proper.

**SEE ADDITIONAL PAGES**



**Status Report and Declaration of Mark A. Blum filed 12/2/15 states** he met with the conservator and her son, the conservatee's brother, on 11/30/15. The Conservatee now requires continuous supervision and is estimated to be functioning at the level of a three year old. For example, she no longer knows she will be burned if she touches hot cookpots in the kitchen, and is completely incontinent and requires assistance with all functions including dressing. The need for constant supervision now exceeds the physical stamina of the conservator and her older husband, and they are exhausted. It is now necessary to place Teresa in an appropriate care facility. Attached is a letter from Suzanne Hirata, the conservatee's aunt. Ms. Hirata has also been a caregiver to other members of the family who have suffered from Early Onset Alzheimer's Disease. She believes that placing Teresa in a skilled nursing facility is not in Teresa's best interest. Ms. Hirata intends to attend the hearing and is willing to provide testimony regarding her recommendation for Teresa's care.

The Conservator has visited a number of facilities that could provide the care that Teresa needs and believes that Paintbrush Assisted Living and Memory Care in Fresno with a monthly cost of \$4,495 would best serve Teresa and is the most economical. See declaration re other facilities reviewed. For the reasons set forth in Ms. Hirata's letter, the Conservator believes that Paintbrush would be the best facility.

The Conservator again requests that the Court issue an order directing that CVS/Caremark's Future Fund Management to provide access to sufficient funds from Teresa's 401k plan holdings in order to provide for the cost of her care that she now needs.

At the previous hearing there was some discussion of whether the conservator should begin proceedings for a legal separation of Teresa from her husband. When Teresa was still able to express an opinion on this point, she took great pride in her marriage. When conservatorship was established, there was considerable dispute over whether her husband Jeff or the present conservator should become conservator. However, in the past year, Jeff and Teresa's children have had little or no contact with Teresa, and notice of the last hearing was returned undeliverable. Despite the lack of communication, Jeff still carries Teresa on his medical insurance, and the Conservator does not believe it would be beneficial to have that insurance coverage change or disappear, and neither the conservator nor the conservatee's finances could pay for a legal separation of dissolution at this time.

**NEEDS/PROBLEMS/COMMENTS:** The following issues remain noted for reference:

- 1. The Court may require proof of titling the Comerica account in the name of the conservatorship estate as noted in the petition.**
- 2. Petitioner reimbursed herself for expenses associated with the conservatorship in the amount of \$13,264.75 without Court authorization in violation of Probate Code §2640 (noticed petition required) and Cal. Rules of Court 7.751, 7.752, 7.755.**
- 3. Attorney requests a total of \$15,643.38 in fees and costs, and has already received and accepted payment of \$9,689.63 in violation of Probate Code §2640 (noticed petition required) and Cal. Rules of Court 7.751, 7.752, 7.755, etc.**

**Petitioner clarifies that the payment was made by Petitioner personally and not from the conservatorship estate, and Petitioner is now requesting authorization to reimburse herself for that amount; however, this does not negate the fact that the attorney received payment for services in connection with the establishment of the conservatorship without prior Court authorization.**

**SEE ADDITIONAL PAGES**

**Page 4 - NEEDS/PROBLEMS/COMMENTS (Cont'd):**

4. Further, the Court may require clarification with regard to the total amount of attorney's fees requested with reference to Probate Code §2640 as to how this amount is just and reasonable given the value and status of the conservatorship estate. See amount authorized by Local Rule 7.16 for comparison.
5. Similarly, the Court may require clarification as to how compensation to Petitioner of \$30,000.00 is just and reasonable given the value and status of the conservatorship estate.
6. Total Disbursements exceed receipts by over \$11,000.00. Petitioner requests to invade the Conservatee's 401k plan to continue to provide the level of care required by the Conservatee; however, given the Conservatee's income level, given the amount available within the 401k account, and given the amount of compensation that is requested by both the Conservator herein, the attorney herein, and future needs, the Court may require further clarification regarding the level of spending for misc. items, clothes, etc., and may require a budget going forward.
7. The Court may require further additional information regarding Petitioner's request to invade the Conservatee's 401k account for the cost of the Conservatee's care. Attorney Logoluso notes that he does not believe there will be tax penalties; however, the petition also states this account may be community property of the Conservatee's marriage, although it was inventoried as hers alone. Specifically, the Court may require clarification as to whether input may be necessary from the Conservatee's spouse of over 25 years, Jeffrey Hendricks.
8. Petitioner explains that the two vehicles owned conservatorship estate assets remain in possession of the Conservatee's husband. The Court may require clarification regarding how the vehicles are titled, and given that they are not in Conservator's possession, may require clarification regarding potential liability to the conservatorship estate.
9. Attorney requests reimbursement for costs that are considered by the Court to be costs of doing business and not reimbursable pursuant to Local Rule 7.17, including photocopies, postage, travel costs. The Court may strike \$45.38 from the order for the following items:
  - \$22.20 photocopies
  - \$11.88 postage
  - \$11.30 mileage
10. Bond: If access to the 401k is granted, bond will need to be increased. Examiner calculates that bond should be increased to at least \$168,139.82 or an increase of \$106,889.82, calculated based on the value of all assets at the close of the account period plus income including Social Security and dividends as noted in Receipts.

**Note: If granted, the Court will set a status hearing for the filing of the next account as follows:**

- Tuesday, June 21, 2016 if a one-year account is required or
- Tuesday, June 20, 2017 if a two-year account is required.

**Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution**

<b>DOD: 01/13/2013</b>	<b>GLORIA B. LEDOUX</b> , sister, was appointed Administrator with limited IAEA authority without bond on 11/06/2013.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 010915, 041415, 060915</b>	Letters issued on 11/06/2013.	<b><u>OFF CALENDAR.</u></b>
<b>Aff.Sub.Wit.</b>	Inventory and Appraisal filed 11/08/2013 shows an estate valued at \$180,000.00.	<b><u>Status Report re: Listing Agreement filed 07/07/2015.</u></b>
<b>Verified</b>		<b><u>Report of Sale and Petition for Order Confirming Sale filed 11/13/2015. Hearing is set for 01/19/2016.</u></b>
<b>Inventory</b>	Minute Order of 11/06/2013 set this matter for hearing for the filing of the First Account and/or Petition for Final Distribution.	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Former Status Report filed 04/03/2015</b> states the estate remains open with the only asset consisting of an undivided one half interest in real property located at 1515 Rose Ave, Selma Ca. The property does not produce income and all expenses are being paid by the Administrator as the owner of the remaining one half interest who resides in the property. The heirs of the estate have all expressed a desire to keep the property in the family and allow the administrator the right to continue to reside at the property.	<b>Minute Order of 06/09/2015: The Court orders that the real property is to be listed within 30 days. Counsel is to file a verified Status Report with proof of the listing attached. If the report is filed at least two court days prior, then no appearance is necessary on 07/14/2015. Likewise, if the accounting is filed at least two court days prior to 12/08/2015, then no appearance is necessary on that date.</b>
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	In order to distribute the property in undivided interests, the administrator is working on settling the creditor's claims and expenses of administration outside of the estate assets. Additional time is requested to settle the claims.	1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Aff. Posting</b>		<b>Reviewed by: LV</b>
<b>Status Rpt</b>		<b>Reviewed on: 12/02/2015</b>
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>		<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 10 - Morales</b>

Attorney  
Attorney  
Attorney

LeVan, Nancy J. (for Julie Castillo and Connie Martinez – Petitioners)  
Kruthers, Heather H. (for Public Guardian – Conservator)  
Janisse, Ryan M. (Court appointed attorney for Conservatee)

**Petition for Reimbursement to Julie Castillo and Connie Martinez for Attorney Fees  
Already Paid and Payment of Attorneys Fees for Nancy J. LeVan, Attorney for Julie  
Castillo and Connie Martinez from the Conservatorship Estate**

			<p><b>JULIE CASTILLO and CONNIE MARTINEZ</b>, Daughters, are Petitioners.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 10/22/15. The following issues remain noted:</p> <p><b><u>SEE PAGE 3</u></b></p>
			<p><b>FRESNO COUNTY PUBLIC GUARDIAN</b> was appointed Conservator of the Person and Estate on 4/2/15.</p>	
Cont. from 102215			<p><b>Petitioners state</b> they are requesting reimbursement for attorneys fees that they have paid attorneys who have represented them in their attempts to protect their mother and her estate and to file for appointment as conservators. Their petition was objected to by Joseph Reyna and Stan Teixeira as court appointed attorney for Rosie Reyna.</p>	
	Aff.Sub.Wit.			
✓	Verified		<p>Petitioners state their actions were for the benefit of the Conservatee and her estate and were taken to prevent Joseph Reyna from abusing Rosie Reyna and to protect her from isolation and to protect her assets.</p>	
	Inventory			
	PTC		<p>Petitioners were originally represented by Attorneys Jennifer Walters and Lisa Horton of Walters and Moshrefi. Their petition for temporary conservatorship was denied, and the parties agreed to mediation, but Joseph Reyna did not follow through with the agreement reached in mediation. In July 2014, Petitioner asked if Attorney Nancy LeVan would take the case over because they were paying Walters and Moshrefi a large amount in fees and didn't feel anything was being accomplished. Ms. LeVan substituted in on 7/23/14.</p>	
	Not.Cred.			
✓	Notice of Hrg		<p>Attached are statements from Walters and Moshrefi which total \$13,839.66. This bill has been paid in full by Petitioners.</p>	
✓	Aff.Mail	w		
	Aff.Pub.		<p>Petitioners state that after Attorney LeVan substituted in, settlement was continued because Mr. Teixeira still objected to establishment of a conservatorship. Finally agreement was reached and recited in Court on 9/16/14. The Public Guardian was appointed as Conservator of the Estate only and Letters issued 9/17/14.</p>	
	Sp.Ntc.			
	Pers.Serv.		<p><b><u>SEE PAGE 2</u></b></p>	
	Conf. Screen			
	Letters			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 12/2/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11 – Reyna</b></p>
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

## Page 2

**Petitioners state** Attorney LeVan prepared the settlement agreement after many emails to Attorney Teixeira confirming and editing the terms. Julie and Connie signed the agreement 11/6/14 and the agreement was forwarded to Mr. Teixeira for his and Rosie's signatures; however, those signatures were never received. Mr. Teixeira filed a motion to be relieved as counsel and was relieved as counsel on 2/25/15.

On 5/5/15, the Public Guardian was appointed permanent conservator of the person and estate, and was also appointed successor trustee of the Rosie Reyna Revocable Trust. Rosie was moved into Julie Castillo's home and resides there to this date. Joseph Reyna has vandalized Rosie's home and refuses to move out. An unlawful detainer action has been brought by the PG to remove Joseph from Rosie's home so that Rosie can once again occupy her own home.

Petitioners state their actions have brought benefits to the Conservatee and the conservatorship. In order to accomplish protection of the Conservatee, Petitioners had to hire attorneys to represent them for the initial conservatorship, the mediation, the settlement conferences and discussions, and for finally having the PG appointed as conservator of the person and estate.

Petitioners have paid **\$13,839.66** to Walters and Moshrefi and **\$6,429.08** to Attorney Nancy J. LeVan, with a remaining balance of **\$1,504.08**, not including filing fees, mediation fees, and costs. The total hours expended by attorneys on Petitioners' behalf to protect their mother and her assets is 65.4 hours. The Conservatee could not fight for herself or her estate when Joseph Reyna was not acting in her best interest. If they had not acted, her main source of income and property would have been destroyed.

Attached are billing statements from attorneys Walters and Moshrefi and Nancy LeVan.

**Petitioners pray for an order:**

1. **Authorizing the Conservator of the Estate to reimburse Petitioners \$13,839.66 for fees paid for services provided by Walters and Moshrefi;**
2. **Authorizing the Conservator of the Estate to reimburse Petitioners for \$6,429.08 for attorney fees paid to Nancy LeVan; and**
3. **Authorizing the Conservator of the Estate to pay Nancy LeVan \$1,540.50 attorney fees incurred that have not yet been paid.**

**(Total amount requested: \$21,809.24)**

**SEE PAGE 3**

Page 3

**NEEDS/PROBLEMS/COMMENTS:**

1. Examiner notes that the agreement referred to in this petition, as filed attached to a Status Report on 1/14/15, indicates that Petitioners will not seek reimbursement for their attorney's fees and costs from the conservatorship estate. The Court may require clarification.
2. The attached billing statements from Walters and Moshrefi include charges that are considered by the Court to be costs of doing business and not reimbursable, such as travel to and from court, mileage, parking fees, and review of Examiner's Notes totaling \$313.36. The Court may disallow this amount.
3. Petitioners request a total amount of \$21,809.24 in attorney fees and costs for the establishment of the conservatorship. The Court may require clarification with reference to Probate Code §2640 as to the reasonableness of this amount, given the size of the conservatorship estate. Final Appraisal filed 3/26/15 indicates \$51,233.83 cash plus a vehicle and misc. personal property. The file indicates that the Conservatee does own a home; however, it is held in a trust (separate from the conservatorship estate), and the petition indicates that there may be other litigation (unlawful detainer action) involving that asset.

**Probate Status Hearing**

**RE: Receipt for Blocked Account**

			<p><b>KIMBERLY ANN BRYANT</b>, Maternal Grandmother, was appointed Guardian of the Estate on 11/10/15 without bond, with \$15,000.00 to be held in a blocked account.</p> <p>At the hearing on 11/10/15, the Court signed an Order to Deposit Money into Blocked Account and set this status hearing for the filing of the receipt for blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account (MC-356) or written status report per Local Rule 7.5.</b></p>
<b>Aff.Sub.Wit.</b>				
<b>Verified</b>				
<b>Inventory</b>				
<b>PTC</b>				
<b>Not.Cred.</b>				
<b>Notice of Hrg</b>				
<b>Aff.Mail</b>				
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<b>CI Report</b>				
<b>9202</b>				
<b>Order</b>				
<b>Aff. Posting</b>				
<b>Status Rpt</b>				
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
			<p><b>Reviewed by:</b> skc</p>	
			<p><b>Reviewed on:</b> 12/2/15</p>	
			<p><b>Updates:</b></p>	
			<p><b>Recommendation:</b></p>	
			<p><b>File 12 – Wilson</b></p>	

**Probate Status Hearing      RE: First Account**

<b>DOD: 5/8/14</b>			<b>KENNETH HEARST</b> , Spouse, was appointed Executor with Full IAEA without bond on 10/14/14. Letters issued 10/16/14.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			At the hearing on 10/14/14, the Court set this status hearing for the filing of the first account or petition for final distribution.	<b>1. Need first account or petition for final distribution per Probate Code §12200 or written status report per Local Rule 7.5.</b>
	<b>Aff.Sub.Wit.</b>			
	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
	<b>Notice of Hrg</b>			
	<b>Aff.Mail</b>			
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			



## Probate Status Hearing Re: the Filing of the Petition for Final Distribution

			<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR.</u></b> Order for Final Distribution signed on 3/24/15.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	
<input type="checkbox"/>	Verified	<input type="checkbox"/>	
<input type="checkbox"/>	Inventory	<input type="checkbox"/>	
<input type="checkbox"/>	PTC	<input type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	
<input type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>	
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	
<input type="checkbox"/>	Letters	<input type="checkbox"/>	
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input type="checkbox"/>	9202	<input type="checkbox"/>	
<input type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: KT
			Reviewed on: 12/2/15
			Updates:
			Recommendation:
			File 14 – Rose

## **Probate Status Hearing Re: the Filing of the Petition for Final Distribution**

[illegible]

**Petitioner**      **Chavez, Blanca (Pro Per – Paternal Grandmother – Petitioner)**  
**Petition for Appointment of Guardian of the Person (Prob. Code §1510)**

17

Petitioner

Lomeli-Marashlian, Erica (Pro Per – Maternal Aunt – Petitioner)

Petitioner

Salazar, Christopher Manuel (Pro Per – Brother – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 10/27/15:</u> The Court dispenses with notice to the paternal grandfather unless his whereabouts become known. The Court finds that further diligence is required as to noticing the father, Mario Jesse Herrera II, and Christina Halford, paternal grandmother.  1. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Mario Herrera, II (Father)  2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Paternal Grandmother Christina Halford	
Cont. from 081115, 092215, 102715				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			X
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 12/2/15	
			Updates:	
			Recommendation:	
			File 19 – Herrera	

# 20 Bri'leeah Cooks (GUARD/P) Case No. 15CEPR00666

Petitioner Morson, Areka (pro per – paternal grandmother)

Petition for Appointment of Guardianship of the Person

Age: 6 mos.		<p><b>TEMPORARY EXPIRES 12/08/2015</b></p> <p><b>AREKA MORSON</b>, paternal grandmother, is Petitioner.</p> <p><u>Please see petition for details</u></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 10/27/2015:</b> The Court finds the notice to Brian Cooks, father, sufficient. Petitioner has the Court's permission to text Desire Hernandez, mother, notice of the next hearing that includes the date, time, place and reason for the hearing in the text; she is to bring her pone to the next hearing for the Court to review the message.</p> <p>1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> <li>Desire Hernandez (Mother) – Unless the Court dispenses with notice.</li> </ul> <p><b>Note:</b> Declaration of Due Diligence filed 09/02/2015 states petitioner received a text message from the mother stating petitioner would see her in court.</p> <p>2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> <li>Deric Cooks (Paternal Grandfather)</li> <li>Maternal Grandfather (Not Listed)</li> <li>Mary Hernandez (Maternal Grandmother)</li> </ul>
Cont. from 090815, 102715			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.	w/		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: LV			
Reviewed on: 12/02/2015			
Updates:			
Recommendation:			
File 20 – Cooks			

Petitioner: Luis J. Flores (pro per)

## Petition for Appointment of Guardian of the Person

		<p><b>THERE IS NO TEMPORARY.</b> Temporary was denied.</p> <p><b>LUIS J. FLORES</b>, former step-father, is petitioner.</p> <p>Please see petition for details.</p> <p><b>Court Investigator Report filed on 9/15/15</b></p> <p><b>Objections of mother, Roseline Mattinson, filed on 11/17/15</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Mother's objections state the minor has Native American ancestry. Therefore, a <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030), must be completed and returned to the probate clerk for service. (Copy of the form is in the file to give to petitioner.)</p> <p>2. Need proof of service of the Objections on Petitioner, Luis J. Flores.</p>	
Cont. from 092215, 102015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W/
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 10/14/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 23 – Castell</b></p>	

## Petition for Appointment of Guardian of the Person (Prob. Code §1510)

			See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> All service defects have been cured. No objections have been filed as of 12/2/15.
Cont. from 102715				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 12/2/15	
			Updates:	
			Recommendation:	
			File 26 – Modlin	

## Petition for Appointment of Guardian of the Person

			See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. If diligence is not found, need notice to paternal grandfather Adrian Cervantes per Probate Code §1511.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	Clearances	X		
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 12/2/15	
			Updates:	
			Recommendation:	
			File 27 – Gongora	



Petition for Appointment of Guardian of the Person

			See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. If diligence is not found, need service to father and maternal grandfather per Probate Code §1511.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 12/2/15	
			Updates:	
			Recommendation:	
			File 28 – Price	

Attorney Hopper, Cindy J. (for Petitioner Tammy Potter – Maternal Grandmother)  
 Attorney Brungess, Julia A. (for Darleen and Mark Veter – Objectors)

**Petition for Appointment of Guardian of the Person**

See petition, objection for details.			<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> A competing petition has been filed by Darlene and Mark Veter, for guardianship of Ryan only that is set for hearing on 12/17/15. Temp guardianship of Ryan was granted to the Veters on 10/13/15.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	X	
<input type="checkbox"/>	Clearances	X	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 12/2/15
			Updates:
			Recommendation:
			File 29 – Roesing

